

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:12-CR-388-FL-1

UNITED STATES OF AMERICA)
)
 v.)
)
ANTHONY EARL RIVERS)

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of a guilty plea and consent to forfeiture by the defendant, Anthony Earl Rivers, on May 15, 2013, the following property is hereby forfeitable pursuant to 18 U.S.C. § 924(d)(1), made applicable to this proceeding by virtue of 28 U.S.C. § 2461 (c), as a firearm used in knowing violation of 18 U.S.C. §§ 922 (g)(1) and 924 to wit, an Armscor, model Citadel, .45 cal. semi-automatic pistol, and any and all accompanying ammunition; and

WHEREAS, by virtue of said guilty plea and consent to forfeiture, and given the self-evident nexus between the firearm and the offense, the United States is now entitled to possession of said property pursuant to 18 U.S.C. § 924 (d)(1);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement as to the defendant, Anthony Earl Rivers, the United States is hereby authorized to seize the above-stated property, and it is hereby

forfeited to the United States for disposition in accordance with the law, including destruction, as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the defendant.


2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(3).

3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c).

SO ORDERED. This 23rd day of May, 2013.



LOUISE W. FLANAGAN
United States District Judge